

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Shuler, et al.
 Appl. No.: 09/909,587
 Filed: 07/20/2001 Confirmation No.: 2209
 For: SYSTEMS AND METHODS FOR INTERACTIVE
 BEEF CATTLE MARKETPLACE
 the specification of which: (check and complete (a), (b), or (c))

(a) is attached hereto.
 (b) was filed on 07/20/01 as Application No. 09/909,587 and was amended on
 (*if applicable*).
 (c) was described and claimed in International Application No. ___, filed on
 , and as amended on ___. (*if any*).

**STATEMENT OF FACTS IN SUPPORT OF FILING
 ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

David Lind
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 Address

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 ORIGINALLY FILED

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

Lynn Godberson

Full name of nonsigning inventor

2431 Saint Charles Road, Winterset, IA 50273

Last known address of nonsigning inventor



BEST AVAILABLE COPY

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**DETAILS OF REFUSAL OF NONSIGNING INVENTOR
TO SIGN APPLICATION PAPERS**

1. I am one of the nine inventors of the invention recited in U.S. Patent Application No. 09/909,587 (the "Application"), which was filed on July 20, 2001.

2. On October 24, 2001, I directed Tom Nicholson, another of the named inventors on the application, to arrange a meeting with Lynn Godberson to discuss obtaining his signature on the Declaration and Power of Attorney. On October 25, 2001, Mr. Nicholson personally delivered the Declaration to Mr. Godberson at his residence in Winterset, Iowa. I was informed by Mr. Nicholson that Mr. Godberson would not sign the document until after he had the document reviewed by his attorney.

3. On November 13, 2001, I attempted a second time to obtain Mr. Godberson's signature on the Declaration and Power of Attorney by sending Mr. Godberson a letter enclosing the Declaration and a copy of the Application. The letter requested that Mr. Godberson review the enclosed application and execute the Declaration, provided the information was accurate. I also enclosed a postage-paid Federal Express envelope and requested that Mr. Godberson return the executed Declaration to me. I also invited Mr. Godberson to call me if he had any questions regarding the documents. A true and accurate copy of my November 13, 2001 letter is attached hereto.

4. I sent the letter and enclosures via Federal Express and received confirmation that the package was delivered to Mr. Godberson on November 14, 2001 at 11:46 a.m. A copy of the delivery confirmation from Federal Express is attached hereto.

5. To date, the document has not been returned and I have not heard anything from Mr. Godberson.

6. After several weeks passed, on December 5, 2001, I called Mr. Godberson at home. No one answered so I left a voicemail stating that I needed to determine whether he intended to execute the Declaration. I also left my phone number and requested that he return my call as soon as possible. No return communication has occurred.

7. The following day, on December 6, 2001, I again attempted to contact Mr. Godberson at his home. I again only got his voicemail. This time I left a message stating that I had to hear from him today and that we either needed his signature by the end of the day or his statement that he was unwilling to execute the Declaration. No return communication has occurred and I have not heard from Mr. Godberson since our initial attempt to obtain his signature in October.

8. Based upon all of the above actions on our part, I believe that Mr. Godberson does not intend to participate in the prosecution of this action. If, for any reason, I should learn otherwise, I will promptly arrange to file appropriate documentation with the United States Patent Office.

Date: 12/6/01

David J. Dill
Signature of person making statement

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